

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

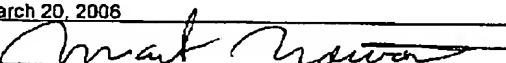
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
MG022704USNP

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on March 20, 2006Signature Typed or printed name Mark NowotarskiApplication Number
10/043,071Filed
1/8/2002First Named Inventor
Marc GrozArt Unit
3713Examiner
Matthew D. Hoel

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

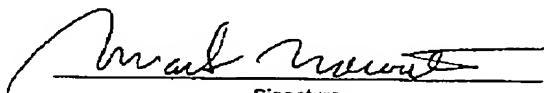
This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record.
Registration number 47,828
- attorney or agent acting under 37 CFR 1.34.



Signature

Mark Nowotarski
Typed or printed name203 975 7678
Telephone numberMarch 20, 2006
Date

Registration number if acting under 37 CFR 1.34. _____
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Remarks

The Applicant respectfully requests that the Pre Appeal Brief Board of Examiners reverse the Examiner's rejection of current claims 42 to 49 due to the factual error that the Examiner has made in asserting that current claim 42 can be rejected even though the prior art cited against it (Nilssen, Grippo, and Ridge) does not teach or suggest each and every step of said claim. In particular said references do not teach or suggest step i.

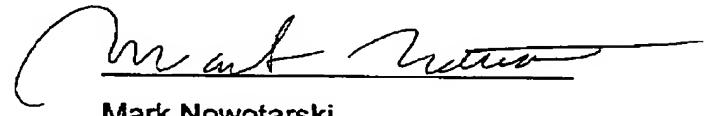
This error was pointed out to the Examiner on page 6 of the Response After Final filed by the Applicant on 20 December 2005. See the section entitled "Combination fails to teach or suggest all of the claim limitations" found on page 6.

The Examiner has conceded this factual error when he stated that amended claim 42 "may be allowable over Nilssen, Grippo and Ridge" (bottom of Advisory Action dated 29 December 2005). There is no difference in meaning, however, between amended claim 42 and current claim 42. This is due to the fact that the phrase "cash value", as presented in step i of current claim 42, and the replacement phrase "current market value", as presented in step i of amended claim 42, are used interchangeably in the Specification and thus mean the same thing.. See page 14, lines 361 to 370 of the substitute Specification filed July 21, 2005.

Thus, by stating that amended claim 42 is allowable over Nilssen, Grippo and Ridge, the Examiner is also stating that current claim 42 is also allowable. Claims 43 to 49 depend upon claim 42 and are allowable for the same reason.

The Applicant therefore, respectfully requests that the Board of Examiners reverse the Examiner's rejection and allow said claims.

Date: March 20, 2006



Mark Nowotarski
Agent for Applicant